

**CONFERENCE COMMITTEE REPORT**  
**House Bill No. 464 By Representative Abramson**

June 1, 2012

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 464 by Representative Abramson, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 6 proposed by the Committee on Judiciary A and adopted by the Senate on May 16, 2012, be rejected.
2. That Senate Committee Amendment No. 7 proposed by the Committee on Judiciary A and adopted by the Senate on May 16, 2012, be adopted.
3. That Senate Floor Amendment No. 1 proposed by Senator Martiny and adopted by the Senate on May 21, 2012, be rejected.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, delete lines 2 through 9 and insert the following:

"A. When two or more actions requesting the certification of a class pursuant to Article 591 are filed in two or more Louisiana courts regarding the same transaction or occurrence at the same location, and such classes, if certified, would encompass one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, the defendant may, by excepting as provided in Article 925, have all such actions transferred to the district court where the transaction or occurrence occurred.

B. When two or more actions requesting the certification of a class pursuant to Article 591 are filed in two or more Louisiana courts regarding multiple related transactions or occurrences in different locations and such classes, if certified, would encompass one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, the defendant may, by excepting as provided in Article 925, have all such actions transferred to the district court where the first suit was brought."

AMENDMENT NO. 2

On page 2, delete lines 11 through 14 and insert the following:

"Notwithstanding the provisions of Article 123, within thirty days of the certification of a class under Article 591 by a different Louisiana court regarding the same transaction or occurrence and encompassing one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, any court where a related putative class action is pending may, upon

contradictory motion, in the interests of justice and for good cause shown, transfer the putative class action to the district where the related action has been certified."

Respectfully submitted,

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Representative Neil C. Abramson

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Senator Ben Nevers

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Representative Alan T. Seabaugh

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Senator Daniel "Danny" Martiny

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Representative John Bel Edwards

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Senator Edwin R. Murray

## CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 464 by Representative Abramson

### **Keyword and oneliner of the instrument as it left the House**

CIVIL/ACTIONS: Provides relative to civil procedure

### **Report adopts Senate amendments to:**

1. Provide for prospective application only

### **Report rejects Senate amendments which would have:**

1. Amended language relative to two or more actions requesting the certification of a class.
2. Added a 30-day time period in which a court may transfer certain class actions.
3. Added language providing for prospective application of proposed law.
4. Added provisions relative to depositions of minors who are victims of sexual abuse.

### **Report amends the bill to:**

1. Specify procedures for the transfer of class actions regarding a transaction or occurrence at the same location and class actions regarding transactions or occurrences in different locations.

### **Digest of the bill as proposed by the Conference Committee**

Present law provides that a district court upon contradictory motion, or upon the court's own motion after contradictory hearing, may transfer a civil case to another district court where it might have been brought in certain circumstances. Also provides that no suit brought in the parish in which the plaintiff is domiciled, and in a court which is otherwise a court of competent jurisdiction and proper venue, shall be transferred to any other court.

Proposed law retains present law and provides that domicile shall be the location pursuant to the general rules of venue (Article 42) where the plaintiff would be subject to suit had he been a defendant.

Proposed law provides that when two or more actions requesting the certification of a class are filed in two or more Louisiana courts regarding the same transaction or occurrence at the same location, and such classes, if certified, would encompass one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, the defendant may have all such actions transferred to the district court where the event occurred.

Proposed law also provides that when two or more actions requesting the certification of a class are filed in two or more Louisiana courts regarding multiple related transactions or occurrences in different locations and such classes, if certified, would encompass one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, the defendant may have all such actions transferred to the district court where the first suit was brought.

Proposed law further provides that within 30 days of the certification of a class by a different Louisiana court regarding the same transaction or occurrence and encompassing one or more of the same plaintiffs suing in the same capacities against one or more of the same defendants in the same capacities, any court where a related putative class action is pending may, upon contradictory motion, in the interests of justice and for good cause shown, transfer the putative class action to the district where the related action has been certified.

Present law defines the domicile of a natural person as the place of his habitual residence.

Proposed law defines the domicile of a juridical person as either the state of its formation or the state of its principal place of business, whichever is most pertinent to the particular issue, unless otherwise specifically provided by law.

Provides that proposed law shall have prospective application only and shall not apply to any action pending prior to the effective date of proposed law.

(Amends C.C.P. Art. 123(A) and C.C. Art. 38; Adds C.C.P. Arts. 593.1, and 593.2)